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EXAMINER

DANIEL JR, WILLIE J

ART UNIT

PAPER NUMBER

2686

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/099,635

Applicant(s)

WANG, CHARLES CHUANMING

Examiner

Willie J. Daniel, Jr.

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment filed on 22 December 2004. **Claims 1-20** are now pending in the present application.

Drawings

2. The objection to the drawing(s) is withdrawn, as the proposed specification corrections are approved.

Claim Objections

3. **Claims 1, 9, and 20** are objected to because of the following informalities:
 - a. Regarding Claim 1, applicant fails to mark the claim as "currently amended" instead of "original" and underlining of additional portions of the claim. In claim 1 of the amended instant application, applicant provides a "," in line 3 of the claim. Also, applicant's remark on pg. 8, 3rd paragraph states, "...amended claims 1...". Examiner interprets the claim as being amended.
 - b. Regarding Claim 9, applicant claims "...a request for information the user" in lines 9-10 of the claim. The language of the claim is not clear and concise. Applicant is requested to clarify the claim language and provide page(s), line(s), and/or drawing(s) of the amended instant application that supports the claim language.
 - c. Regarding Claim 20, applicant claims "...terminal:" in line 3 of the claim. Examiner interprets as "...terminal;".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-16, 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Tso et al. (hereinafter Tso) (US 6,047,327).

Regarding **Claim 1**, Tso discloses the method for providing infobites which reads on the claimed “information” to a client device (A 23, B 25, C 29, D 31) which reads on the claimed “mobile terminal” associated with a user (see col. 3, lines 49-61; col. 4, lines 10-11, 15-53; Figs. 1-3, 5), comprising:

receiving, from said mobile terminal (23), a request for information (see col. 15, lines 12-30; col. 8, lines 48-51; Fig. 5 “ref. 113”), where the terminal is a cellular device which requests information from the InfoCast server (17);

identifying, in response to the request for information, positional which reads on the claimed “spatial” and temporal information associated with said mobile terminal (23) (see col. 13, lines 27-34; col. 10, lines 41-51; col. 21, lines 41-51; Fig. 5 “ref. 103”), where the system filters information according to the user's profile, position, and temporal information;

identifying, in response to the request for information, a user/subscriber profile (53) which reads on the claimed personal profile associated with said user (see col. 13, lines 27-34; col. 10, lines 41-51; col. 21, lines 41-51; Figs. 3, 5 “ref. 103”);

searching for said information, based upon said spatial and temporal information, and personal profile information of the user (see col. 13, lines 27-34; col. 10, lines 41-51; col. 21, lines 41-51; Fig. 5 “ref. 103”), where the system provides the information from the filtering; and

providing search results to said mobile terminal (23) (see col. 10, lines 24-30,49-53; Fig. 8).

Regarding **Claim 2**, Tso discloses the method of claim 1, wherein said searching step further comprises:

acquiring said spatial information associated with said mobile terminal (23) from a infocast server (A 17) which reads on the claimed “location server” of a cellular communication system (B 21) which reads on the claimed “cellular network” (see col. 2, lines 64-66; col. 4, lines 9-14; col. 21, lines 44-51; col. 20, line 49 - col. 21, line 4; Figs. 1-2, 5 “ref. 103”).

Regarding **Claim 3**, Tso discloses the method of claim 1, wherein said searching step further comprises:

acquiring said spatial information from said mobile terminal (23) (see col. 2, lines 64-66; col. 4, lines 8-36; col. 21, lines 44-51; col. 20, line 49 - col. 21, line 4; Figs. 1-2, 5 “ref. 103”).

Regarding **Claim 4**, Tso discloses the method of claim 1, further comprising updating said personal profile associated with said mobile terminal (23) in response to each information request (see col. 15, lines 12-18,41-51; col. 23, lines 27-39,51-64; Fig. 5 “ref.

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115”), where the server (17) updates the user profile in subscriber database (53) based on the logged action request.

Regarding **Claim 5**, Tso discloses the method of claim 4, further comprising the steps of:

monitoring requested content subject matter during each user request for said content (see col. 10, lines 41-53);

categorizing said subject matter (see col. 7, lines 30-35), where the infobite is provided to the user according to the category ; and

determining whether said categorized subject matter conforms to a user preference (see col. 7, lines 30-35; col. 10, lines 41-53; col. 22, line 66 - col. 23, line 4; col. 14, lines 16-19; Fig. 5).

Regarding **Claim 6**, Tso discloses the method of claim 1, wherein said providing step comprises a transmission selected from the group consisting of unicasting, narrowcasting, multicasting, and broadcasting particular content (see col. 2, lines 40-42; col. 21, lines 61 - col. 22, line 5; col. 24, lines 36-42; Figs. 7 “ref. 203”, 8 “ref. 251”), where the server transmits the infobite to the client.

Regarding **Claim 7**, Tso discloses the method of claim 1, wherein the searching step further comprises extracting user preferred information (see col. 10, lines 41-53), where the infobite information is provided to the user according to the filtering.

Regarding **Claim 8**, Tso discloses the method of claim 1, wherein said receiving step further comprises:

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sending a mobile terminal identification signal to a subscriber database (53) storing said personal profile information (see col. 4, lines 39-41; col. 4, line 65 - col. 5, line 5; col. 13, lines 27-34; col. 16, lines 24-26; col. 18, lines 17-26; Figs. 1-2); and

sending the mobile terminal identification signal to a location server (17) of a cellular network for locating said mobile terminal (23) (see col. 16, lines 24-26, 32-43; col. 18, lines 17-26; col. 4, lines 8-41; Figs. 1-2).

Regarding **Claim 9**, Tso discloses an apparatus for providing information (infobite) to a mobile terminal (see col. 3, lines 49-61; col. 4, lines 10-11, 15-53; Figs. 1-3, 5), comprising:

a cellular network (21) having a plurality of base stations (46, 47, 48), each base station (46) providing wireless communication to any mobile terminals (23) within a respective geographic region (see col. 4, lines 4-14; Figs. 1-2);

a content provider (A 5) which reads on the claimed "service provider" having a subscriber database (53) storing personal profile information of users of the mobile terminals (23) (see col. 2, line 64 - col. 3, line 7; col. 4, lines 43-46; col. 4, line 65 - col. 5, line 5; col. 5, lines 31-36; Figs. 1-4, 5 "ref. 103"); and

at least one content server (5) storing content in at least one content database (51), said content server (5) capable of providing said content based upon location, time, and personal profile of said users (see col. 2, line 64 - col. 3, line 34; col. 5, line 31-53; col. 10, lines 41-49; col. 13, lines 27-40; Figs. 1-4),

wherein provisions of said content to a user (23) is initiated after receiving a request for information the user (23) (see col. 15, lines 12-40; Fig. 5 "ref. 111"), where the user provides a request in which further information is received based on the request.

Regarding **Claim 10**, Tso discloses the apparatus of claim 9, wherein said content server (5) is centralized (see col. 5, lines 31-36; Figs. 1-2).

Regarding **Claim 11**, Tso discloses the apparatus of claim 9, wherein said content server (5) is distributed across said base stations (46) (see col. 2, line 54 - col. 3, line 7; col. 4, lines 16-20; Figs. 1-2).

Regarding **Claim 12**, Tso discloses the apparatus of claim 9, wherein said content server (5) is dedicated to particular subject matter of said content (see col. 5, lines 37-39; col. 7, lines 17-29).

Regarding **Claim 13**, Tso discloses the apparatus of claim 9, wherein said mobile terminals (23) have capabilities, selected from the group consisting of text messaging, web-browsing, location tracking, multimedia, and remote controlling of multimedia devices (see col. 7, lines 41-67; col. 8, line 65 - col. 9, line 2; col. 9, lines 22-64; col. 10, lines 10-26, 47-61; col. 12, lines 61-62; Figs. 1-3).

Regarding **Claim 14**, Tso discloses the apparatus of claim 9, wherein said content server (5) provides said content based upon personal preferences of said user (see col. 10, lines 41-53).

Regarding **Claim 15**, Tso discloses the apparatus of claim 9, further comprising a location server (17) coupled to said cellular network (21) (see col. 4, lines 4-36; Figs. 1-2).

Regarding **Claim 16**, Tso discloses the apparatus of claim 15, wherein said location server (17) stores spatial (positional) information for the mobile terminal upon receiving a mobile terminal identification signal (see col. 4, lines 34-36; col. 16, lines 24-26, 32-43; col. 18, lines 17-26; Figs. 1-2).

Regarding **Claim 18**, Tso discloses the apparatus of claim 9, wherein the subscriber database (53) is centralized in the service provider (5) (see col. 4, line 65 - col. 5, line 30; Figs. 3-4).

Regarding **Claim 19**, Tso discloses the apparatus of claim 9, wherein the subscriber database (53) is distributed across said geographic regions (see col. 4, line 65 - col. 5, line 30; Figs. 1-4).

Regarding **Claim 20**, Tso discloses an apparatus for providing information to a mobile terminal (23) (see col. 3, lines 49-61; col. 4, lines 10-11, 15-53; Figs. 1-3, 5), comprising:

means (17) for receiving a request for content from the mobile terminal (23) (see col. 15, lines 12-30; col. 8, lines 48-51; Fig. 5 “ref. 113”), where the terminal is a cellular device which requests information from the InfoCast server (17);

means (53) for identifying spatial, temporal, and personal profile information corresponding to said request (see col. 13, lines 27-34; col. 10, lines 41-51; col. 21, lines 41-51; Fig. 5), where the system filters information according to the user's profile, position, and temporal information;

means (61) for searching for said content, based upon said spatial, temporal, and personal profile information (see col. 13, lines 27-34; col. 10, lines 41-51; Fig. 5; col. 21, lines 41-51), where the system provides the information from the filtering; and

means (17) for providing search results to said mobile terminal (23) (see col. 10, lines 24-30, 49-53; Fig. 8),

wherein providing of said search results to the mobile terminal (23) is initiated by the request for content from the mobile terminal (23) (see col. 15, lines 12-40; Fig. 5 “ref. 111”), where the user provides a request in which further information is received based on the request..

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tso et al.

(hereinafter Tso) (US 6,047,327) in view of Fleischer et al. (hereinafter Fleischer) (US 2002/0098832 A1).

Regarding **Claim 17**, Tso discloses said location server (17) (see col. 4, lines 34-36; Figs. 1-2). Tso fails to disclose having the feature of a server is a gateway mobile location center (GMLC). However, the examiner maintains that the feature of a server is a gateway mobile location center (GMLC) was well known in the art, as taught by Fleischer.

In the same field of endeavor, Fleischer discloses the feature of a server (16) is a gateway mobile location center (GMLC) (see pg. 2, [0019]; Fig. 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Tso and Fleischer to have the feature of a server is a gateway mobile location center (GMLC), in order to have a location server that

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maintain generalized location information about wireless terminals under its jurisdiction and to track wireless terminal movement, as taught by Fleischer.

Response to Arguments

6. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willie J. Daniel, Jr. whose telephone number is (571) 272-7907. The examiner can normally be reached on 7:30-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WJD,JR
23 May 2005

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